

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

CIVIL ACTION NO. 17-cv-05806-RJB

DECLARATION OF ANDREA  
BRENNEKE IN SUPPORT OF  
PLAINTIFF STATE OF  
WASHINGTON'S MOTION FOR  
TRIAL SETTING IN PERSON OR BY  
ZOOM

DECLARATION OF ANDREA BRENNEKE IN  
SUPPORT OF PLAINTIFF STATE OF  
WASHINGTON'S MOTION FOR TRIAL  
SETTING IN PERSON OR BY ZOOM

ATTORNEY GENERAL OF WASHINGTON  
Civil Rights Division  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

Pursuant to 28 U.S.C. § 1746(2), I, Andrea Brenneke, state and declare as follows:

1. I am over eighteen years of age, have personal knowledge of, and am competent to testify about the matters contained herein.

2. I am an Assistant Attorney General for the Office of the Attorney General of Washington and one of the attorneys representing the State of Washington in this matter. As Washington considered the possibility of a remote trial, our team learned of another case in which several of the attorneys who recently have tried cases via Zoom in the Western District of Washington filed declarations describing their experiences with the virtual platform. I attach the declarations supportive of a virtual trial from the King County Superior Court record as exhibits A – D to this declaration.

3. Attached hereto as Exhibit A is a true and correct copy of the Declaration of Beth Bloom filed in the case *Erickson v. Monsanto Co.*, No. 18-2-11915-4 SEA (King Cnty. Super. Ct. Dec. 28, 2020).

4. Attached hereto Exhibit B is a true and correct copy of the Declaration of Darell L. Cochran filed in the case *Erickson v. Monsanto Co.*, No. 18-2-11915-4 SEA (King Cnty. Super. Ct. Dec. 28, 2020).

5. Attached hereto as Exhibit C is a true and correct copy of the Declaration of Kenneth Freidman field in the case *Erickson v. Monsanto Co.*, No. 18-2-11915-4 SEA (King Cnty. Super. Ct. Dec. 28, 2020).

6. Attached hereto as Exhibit D is a true and correct copy of the Declaration of Kevin Coluccio filed in the case *Erickson v. Monsanto Co.*, No. 18-2-11915-4 SEA (King Cnty. Super. Ct. Dec. 28, 2020).

7. In addition, other courts have considered similar motions and not all of those orders have been published by Westlaw. Attached hereto as Exhibit E is a true and correct copy of the Order Re Motion to Continue Trial, ECF No. 44, filed in the case *Tanner v. State Farm Mut. Auto. Ins. Co.*, No. 3:19-cv-00253-SLG (D. Alaska Dec. 28, 2020).

8. Finally, for the ease of the Court, I also attach two additional attorney declarations filed by the defense in the case *Erickson v. Monsanto Co.*, No. 18-2-11915-4 SEA (King Cnty. Super. Ct. Dec. 31, 2020), that address technical delays and concerns related to previous court remote trial proceedings in federal and state court. These are attached as Exhibit F.

I declare, under the penalty of perjury under the laws of the United States and the State of Washington, that the foregoing is true and correct.

Dated this 11th day of February 2021 in Seattle, Washington.

s/ Andrea Brenneke  
ANDREA BRENNEKE, WSBA No. 22027

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was electronically filed with the United States District Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated this 11th day of February 2021.



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CAITILIN HALL  
Legal Assistant